



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-5171



November 12, 2002

LETTER OF DEFICIENCY# WSEB 02-171
Certified Mail# 7099 3400 0003 0692 2761

Tej Tanden
Greenwood Trust VI
617 Rutland Street
Carlisle, MA 01741

Subject: Derry - Public Water System: Hillside Plaza (EPA# 0616020)

Dear Mr. Tanden:

The records of the Department of Environmental Services (DES) show that the Hillside Plaza water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days a year. As such, the PWS owner is required to submit chemical samples according to the system's established sampling schedule to the State Laboratory or a State-certified laboratory in compliance with NH Administrative Rule Env-Ws 326.

DES records show that the PWS has **exceeded the maximum contaminant level (MCL) for methyl tertiary-butyl ether (MtBE)** as defined in Env-Ws 317.01 and as a result a violation has occurred for the following compliance period:

Fourth Quarter 2002

DES believes the MCL violation can be corrected and future violations prevented by taking the following actions:

- Provide appropriate alternate (*i.e.* bottled) water at areas accessible to consumers until the violation is corrected. If bottled water is used, the source must be an approved source, monitored in accordance with Env-Ws 389; and
2. Pursuant to NH Administrative Rule Env-Ws 351, all consumers must be notified of the exceedence following the guidelines in the enclosed public notice handout. Provide proof of public notice to this office within 10 days of issuing the public notice. Continue providing public notice **each calendar quarter** for as long as the exceedence occurs; and
- 3 **By December 13, 2002**, retain the services of a qualified consultant to address the water quality violation and notify DES, in writing, of the name of the consultant hired. The consultant should review all existing water quality data prior to making recommendations for correcting the MCL violation; and
4. **By January 10, 2003**, submit to DES for approval the consultant's report, which shall contain the consultant's recommendations, along with an implementation schedule to correct the MCL violation. The report must also include:
 - A discussion concerning the present carbon filter treatment unit and its appropriateness for treating MtBE (*i.e.*, when was the treatment installed and for what original purpose, is the unit properly sized, is it designed to treat the present concentration of MtBE, etc.).

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- A maintenance schedule for any existing or proposed treatment process/equipment.
- An acknowledgement of the need to submit "pre" and "post" treatment samples during each calendar quarter for as long as treatment equipment is on-line.

DES must approve the consultant's report/recommendations, the maintenance schedule, and the proposed implementation schedule prior to any work being done on the system; and

5. By the DES-approved correction date, correct the violation or install treatment as approved by DES. Notify DES in writing of the correction(s) taken; and
6. Sample in accordance with your new Master Sampling Schedule, which is enclosed. **Note that you must now submit quarterly MtBE samples.** When submitting the quarterly MtBE samples to your lab, please label pre-treatment samples as "non-compliance" samples and post-treatment samples as "compliance" samples.


In the event compliance is not achieved within this period, DES may take further enforcement action, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The written report as requested above should be addressed as follows:

Alan Leach
Department of Environmental Services
Water Supply Engineering Bureau
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Please contact Selina J. Makofsky by phone at (603) 271-4109 or email at smakofsky@des.state.nh.us or Alan Leach by phone at (603) 271-2854 or email at aleach@des.state.us should you have any questions about the requirements listed in this letter.

Sincerely,


Anthony P. Giunta, P.G., Administrator
Water Supply Engineering Bureau

Enc. Master Sampling Schedule
Public Notice Template: MtBE MCL Violation
MtBE Fact Sheet

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cc: Gretchen Rule, DES Legal Unit (w/o enc.)
Robert Mackey, Town of Derry Health Officer (w/o enc.)
Dave Gordon, DHHS Health Risk Assessment Bureau (w/o enc.)
Christopher Countie, Primary Operator
Gary Tetley, Sampling Agent (w/o enc.)
US EPA Region 1 (w/o enc.)